

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
-vs-)	No. 5:19-cv-4063
)	
SCHUSTER CO,)	
)	
Defendant.)	

The videoconference deposition of
JEFFREY ARENS, called by the Plaintiff for
examination, taken pursuant to the Federal
Rules of Civil Procedure of the United States
District Courts pertaining to the taking of
depositions before MAUREEN A. WOODMAN, a notary
public within and for the County of Cook and
State of Illinois, on the 1st day of July,
2020, at the hour of 9:00 o'clock a.m.

1 PRESENT:

2 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

3 BY: MR. MILES SHULTZ

 MS. ELIZABETH BANASZAK

 (Via videoconference)

4 230 South Dearborn Street

 Suite 2920

5 Chicago, Illinois 60604

 312.872.9718

6 Miles.shultz@eeoc.gov

 Belizabeth.banaszak@eeoc.gov,

7 on behalf of the Plaintiff;

8 KLASS LAW FIRM, LLP.

9 BY: MR. DOUGLAS PHILLIPS

 (Via videoconference)

10 4280 Sergeant Road

 Suite 290

11 Sioux City, Iowa 51106

 712.252.1866

12 Phillips@klasslaw.com,

13 on behalf of the Defendant.

I N D E X

WITNESS	PAGE
JEFFREY ARENS	
Examination by Ms. Banaszak.....	5-152

- - - - -

E X H I B I T S

DEPOSITION EXHIBIT	PAGE
1Hiring Criteria.....	18
2Truck Driver Description.....	36
3Photo-CRT Test.....	46
4E-mail.....	83
5Functional Capacity Exam.....	117
6Body Index Score.....	136
7Employee Handbook.....	143
(ATTACHED)	

1 THE COURT REPORTER: All parties are aware
2 that the witness will be sworn remotely.
3 Remote depositions are more challenging. We
4 kindly ask all participants to speak clearly
5 and one at a time.

6 Here begins the videoconference
7 deposition of Jeff Arens in the matter of EEOC
8 Versus Schuster. Today's date is July 1, 2020,
9 and the time is 9:00 a.m.

10 My name is Maureen Woodman of
11 Thompson Court Reporters. Beginning with the
12 noticing party, will counsel please introduce
13 themselves, state whom they represent and
14 stipulate to the swearing in of the witness
15 remotely.

16 MS. BANASZAK: This is Elizabeth Banaszak
17 for plaintiff EEOC. And the EEOC will
18 stipulate to swearing the witness remotely.

19 MR. SHULTZ: Miles Shultz for the EEOC.

20 MR. PHILLIPS: Doug Phillips for defendant.
21 Defendant stipulates.

22 MR. ARENS: Jeff Arens, Schuster Company.

23 (Witness was duly
24 sworn.)

1 JEFFREY ARENS,
2 called as a witness herein, after having been
3 first duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY MS. BANASZAK:

7 Q. Good morning, Mr. Arens. Am I saying
8 that correctly, Arens?

9 A. Yes.

10 Q. Great. Can you please state your full
11 name for the record?

12 A. Jeffrey Joseph Arens.

13 Q. Have you ever gone by any other name?

14 A. No.

15 Q. Would you prefer if I call you Mr.
16 Arens today or is Jeff all right?

17 A. Jeff is fine.

18 Q. Jeff, have you ever been a plaintiff
19 or defendant in a lawsuit?

20 A. No.

21 Q. Have you ever given deposition
22 testimony prior to today?

23 A. Yes.

24 Q. How many times?

1 Q. What do you know about what they're
2 saying to you when explaining the test and
3 hooking you up to it?

4 A. Just what you are required to do and
5 that you exert force in both directions and to
6 give it your full effort.

7 Q. And when you're done with the test,
8 the person there does not tell you your score
9 or whether you passed, correct?

10 A. Correct.

11 Q. Do you know if they can tell what your
12 score was? Can they see what your scoring is
13 as they are giving the test?

14 A. I'm not aware if they can see that or
15 not. I haven't seen the computer side of that.

16 Q. For drivers, they need to get at least
17 a 151 to pass; is that correct?

18 A. That is correct.

19 Q. And that has been true since -- at all
20 times since 2014?

21 A. Since the test was implemented, yes.

22 Q. And there aren't different categories
23 of drivers, correct, it's just a 151 for anyone
24 who's a driver at Schuster?

1 A. Correct.

2 Q. Schuster requires applicants to take
3 the CRT test after they get the conditional
4 offer of hire, correct?

5 A. Correct.

6 Q. And then if the person fails the CRT
7 test, their conditional offer of hire is
8 revoked?

9 A. That is correct.

10 Q. Had that been true since 2014?

11 A. Yes.

12 Q. And is that true for all positions at
13 Schuster, like if someone is in an office job
14 and they don't score their necessary score on
15 the CRT test, is their offer revoked?

16 A. That is correct.

17 Q. And that's true for positions at
18 Schuster?

19 A. Yes.

20 Q. Are you aware of any situation where
21 someone failed the CRT test as an applicant and
22 did not have their offer revoked?

23 A. No.

24 Q. You are not aware of any exceptions